

DEC. 6. 2005 3:26PM

CHOATE HALL & STEWART 6172484000

NO. 247 P. 1

CHOATE

CHOATE HALL & STEWART LLP

**RECEIVED
CENTRAL FAX CENTER**

DEC 06 2005

Fax

Recipient	Company	Fax	Phone
Commissioner for Patents	USPTO	571-273-8300	571-272-2600
From	Leigh J. Martinson	Number of Pages	7
Date	December 6, 2005	Client Number	2006579-0419
Phone	617-248-4003	Operator	Time Sent
Comments	Applicant: Stutz, et al. Patent No.: 822,772 Issued: 09/891,862 Serial No.: 822,772 Filing Date: June 26, 2001 Title: METHODS AND APPARATUS FOR LOAD BALANCED INFORMATION AGGREGATION AND PRESENTATION	Examiner: Keith Coulter Art Unit: 2141	

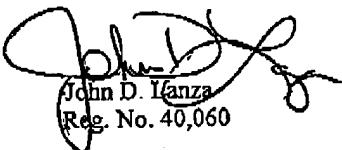
Sir:

Transmitted herewith for filing in the above-referenced application, please find the following documents:

- 1) Transmittal Letter (1 page);
- 2) Notice of Appeal Under 37 C.F.R. § 1.191 (2 pages);
- 3) Credit Card Payment Form (1 page);
- 4) Pre-Appeal Brief Reasons For Requesting Review (2 pages); and
- 5) This facsimile transmittal.

Kindly acknowledge receipt of the attached documents by return facsimile transmission. Thank you for your kind attention to this request.

Respectfully Submitted,



John D. Ianza
Reg. No. 40,060

Return by **Inter-office Mail** **Hold for pick-up**

4019485

Two International Place | Boston MA 02110 | t 617-248-5000 | f 617-248-4000 | choate.com

4007918

DEC. 6. 2005 3:26PM

CHOATE HALL & STEWART 6172484000

NO. 247 P. 2

RECEIVED
CENTRAL FAX CENTER

DEC 06 2005

EXPEDITED PROCESSING
UNDER 35 U.S.C. § 1.116

ATTORNEY DOCKET NO. 2006579-0419 (CTX-073)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stutz, et al.	Examiner:	Keith Coulter
Serial No.:	09/891,882 872 MF	Art Unit:	2141
Filing Date:	June 26, 2001	Methods and Apparatus for Load Balanced Information Aggregation and	
Title:	Presentation		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Certificate of Mailing	
I certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office and addressed to Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<u>December 6, 2005</u>	<u>Kelley A. O'Neil</u>
Date	Signature
<u>Kelley A. O'Neil</u>	
Typed or Printed Name of person signing certificate	

TRANSMITTAL LETTER

Enclosed please find the following documents regarding the above-referenced matter:

1. Notice of Appeal Under 37 C.F.R. § 1.191 (2 pages);
2. Credit Card Payment Form authorizing of \$500.00 for Appeal (large entity) (1 page);
3. Pre-Appeal Brief Reasons for Requesting Review (2 pages); and
4. Facsimile Transmittal (1 page).

Please charge any other necessary fees or credit any overpayments to Deposit Account No. 03-1721.

Respectfully Submitted,


John D. Lanza
Attorney for Applicant
Reg. No.: 40,060

Dated: December 6, 2005

PATENT GROUP
CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110
Telephone: (617) 248-4801
Facsimile: (617) 248-4000

Page 1 of 1

USSN 09/891,882
4019443

Atty Docket: 2006579-0419
Client Reference: CTX-073

DEC. 6. 2005 3:27PM

CHOATE HALL & STEWART 6172484000

NO. 247

P. 6
RECEIVED
CENTRAL FAX CENTER

DEC 06 2005

EXPEDITED PROCESSING
UNDER 35 U.S.C. § 1.116

ATTORNEY DOCKET NO. 2006579-0419 (CTX-073)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stutz, et al.	Examiner:	Keith Coulter
Serial No.:	09/891,882 <i>822 M</i>	Art Unit:	2141
Filing Date:	June 26, 2001		
Title:	Methods and Apparatus for Load Balanced information Aggregation and Presentation		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Certificate of Transmission
I certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on:

December 6, 2005
Date

Kelley A. O'Neil
Signature

Kelley A. O'Neil
Typed or Printed Name of person signing certificate

PRE-APPEAL BRIEF REASONS FOR REQUESTING REVIEW

The following Reasons are submitted with the "PRE-APPEAL BRIEF REQUEST FOR REVIEW" form PTO/SB/33 and A NOTICE OF APPEAL in compliance with 37 CFR 41.31.

In a Final Office Action dated October 6, 2005, the Examiner maintained the rejection of claims 1-8 under 35 U.S.C. §102(e) as anticipated by United States Patent Publication No. 2002/0120787 to Shapiro *et al.* (hereafter "Shapiro"). Applicants respectfully submit that the this rejection contains clear error because at least one claim limitation is not taught by Shapiro.

In the Response to the Non-Final Office Action filed by Applicants on June 27, 2005 at pages 4-6, applicants provided a clear and concise explanation as to why Shapiro fails to anticipate claims 1-8.

In addition to the arguments previously presented, applicants provide the following arguments in support of the position the Shapiro fails to anticipate claims 1-8. The claimed invention provides load balancing on a more granular level than that of Shapiro. That is, in the present invention as claimed load balancing is performed can be performed on the individual

Page 1 of 2

USSN 09/891,882

4019310v1

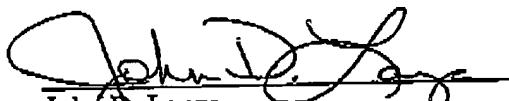
Atty Docket: 2006579-0419
Client Reference: CTX-073

request that make up a transaction. For example, if a transaction includes three requests (request A, request B, and request C) each individual request can be sent to a separate server agent that, in turn, processes the request. The term transaction as used in the specification at page 2, paragraph 007 and page 32 paragraph 108 shows that each transaction can include multiple HTTP GET requests. Therefore, not only can load balancing be performed at the session level and the transaction level as in Shapiro, applicants claimed invention goes one step further and provides load balancing among the requests that comprise the transaction.

The Examiner suggests that Shapiro teaches this limitation in paragraph 0030. However, a closer reading of Shapiro shows that the requests referred to are actually session level request or transaction level request as those terms are used by the applicants. These requests are not the same as the requests referred to in the specification.

Accordingly, Applicants respectfully submit that Shapiro does not teach or suggest the limitation assigning a first request to a first server agent and a second request to a second server agent, as required by independent claims 1 and 8, and their dependent claims. Applicants respectfully request that the panel allow the claims because they are not anticipated by Shapiro.

Respectfully submitted,



John D. Lanza
Attorney for Applicant
Registration Number 40,060

Dated: December 6, 2005

PATENT GROUP
CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110
(617) 248-5000
Dated: December 6, 2005

Page 2 of 2

USSN 09/891,822

4019310v1

Atty Docket: 2006579-0419
Client Reference: CTX-073